

(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

WRIT PETITION NO. 36 OF 2004

Office Note, Office Memoranda
of Quorum, appearances, Court's
orders or directions and
Registrar's orders.

Court's or Judge's Orders

Shri A.N.S. Nadkarni, Advocate
General with Shri G. Shirodkar,
Addl. Government Advocate for the
petitioner.

Shri Shivan Dessai, advocate for the
respondent no.1.

CORAM : D. G. KARNIK, J.

DATE : 22nd March, 2004

P.C.:

Heard learned counsel for the
parties. The original suit was
instituted by the petitioner styling
himself as Devi Shashti Shantadurga
(Detya Dev) Prassan, represented by
its President. Learned counsel for
the petitioner, who was the
plaintiff in the original suit,
states that the plaintiff is not a
person in the eye of law and,
therefore, the original suit itself
was not maintainable. Therefore,
the petitioner seeks leave to
withdraw the original suit itself

with liberty to file a fresh suit in the proper name as the suit must fail on account of technical defect. I see no reason to reject the said prayer. As such, the petitioner is permitted to withdraw the suit no.144/2001/C.

In view of the withdrawal of the suit, the Writ Petition does not survive and is dismissed.

D. G. KARNIK, J.

mc.